



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P.O. Box 4970
Jacksonville, Florida 32232-0019

September 16, 2004

Regulatory Division
North Permits Branch
Atlantic Permits Section
SAJ-1997-2803-PRJ

PUBLIC NOTICE

Permit Application No. SAJ-1997-2803-PRJ **SEP 24 2004**

TO WHOM IT MAY CONCERN: This district has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403) as described below:

APPLICANT: Inlet Harbor, Inc.
Inlet Harbor Marina and Restaurant
133 Inlet Harbor Road
Ponce Inlet, Florida 32127

WATERWAY & LOCATION: The project site is located in waters of the Halifax River, at 133 Inlet Harbor Road, in Section 30, Township 16 South, Range 34 East, Ponce Inlet, Volusia County, Florida.

Directions to the site are as follows: Take I-95 South to exit #256/SR-421 toward Port Orange. Take the Taylor Road ramp toward Port Orange/Daytona Beach Shores and then merge onto FL-421 East. FL-421 East becomes FL-A1A North/Dunlawton Avenue. Turn right onto South Atlantic Avenue/CR-4075. Turn right onto Harbour Village Boulevard. Turn left onto South Peninsula Drive. Turn right onto Inlet Harbor Road, end at 133 Inlet Harbor Road.

LATITUDE & LONGITUDE: Latitude 29.0907⁰
Longitude -80.9369⁰

PROJECT PURPOSE:

Basic: The applicant proposes to construct 2 four-slip floating docks at the existing marina.

Overall: The applicant proposes to construct 2 four-slip floating docks, install 6 sets of dolphin pilings and 6 individual pilings, construct a deck over an historic fishpond,

construct an access platform at slip 12, and perform maintenance on 3 existing pilings at the existing marina. See additional information in the "Existing Conditions" paragraph.

PROPOSED WORK: The applicant proposes to replace the existing 12 slips with 2 four-slip floating docks. The floating docks placed further out into the canal will provide more water depth for boats pulling in and will provide an area where the boats can back up to the dock for unloading, creating a safer docking facility. This site was chosen for the floating docks because it is close to the dry storage facilities. This site will allow boaters to dock their boats while awaiting placement in the dry storage facilities. In addition, the applicant proposes to install 4 sets of dolphin pilings and 6 sets of individual pilings around the fishing pier and install 2 sets of dolphin pilings around the fuel dock. The proposed pilings are to protect the fishing pier and fuel dock from boat collisions. The proposed pilings are not for additional mooring. In addition, the applicant proposes to construct a deck area over an historic fishpond. The proposed deck area will be used solely for additional seating for the restaurant. The applicant also proposes the addition of a 94 square foot triangular shaped deck, located at slip 12 (see page 5 of 7 of drawings) to assist boaters utilizing the slip. The applicant also proposes the maintenance of 3 existing pilings that are currently leaning and creating a hazard to boaters.

EXISTING CONDITIONS: The existing area surrounding the project site consists of a restaurant and an existing 88-slip commercial marina on the Halifax River. According to our records the original permit was issued in 1986 for the construction of the marina. Since then subsequent permits have been issued for maintenance dredging and for the construction of a roof on an existing dock. After reviewing the earlier permits, the U.S. Army Corps of Engineers (Corps) can only account for the authorization of approximately 60 to 70 boat slips. There are approximately 18 to 20 boat slips that presumably have not been authorized. Therefore, this review will evaluate both the proposed work, as well as, the existing facilities.

Endangered Species: The Corps has determined the proposal may affect the West Indian Manatee (*Trichechus manatus*) or its designated critical habitat. The Corps will request initiation of formal consultation with the Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act by separate letter. The Corps utilized "the Corps of Engineers, Jacksonville District, and the Florida Department of Environmental Protection Effect Determination Key for the Manatee in Florida" dated January 2, 2001 to determine the potential effect the project might have upon the manatee.

Essential Fish Habitat (EFH): This notice initiates consultation with the National Marine Fisheries Service on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act 1996. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries in the Halifax River. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has been verified.

AUTHORIZATION FROM OTHER AGENCIES: Water Quality Certification may be required from the Florida Department of Environmental Protection and/or one of the state Water Management Districts.

Comments regarding the application should be submitted in writing to the District Engineer at the above address within 30 days from the date of this notice.

If you have any questions concerning this application, you may contact Paula Johnson at the letterhead address, by electronic mail at paula.r.johnson@saj02.usace.army.mil, by fax at 904-232-1684, or by telephone at 904-232-2503.

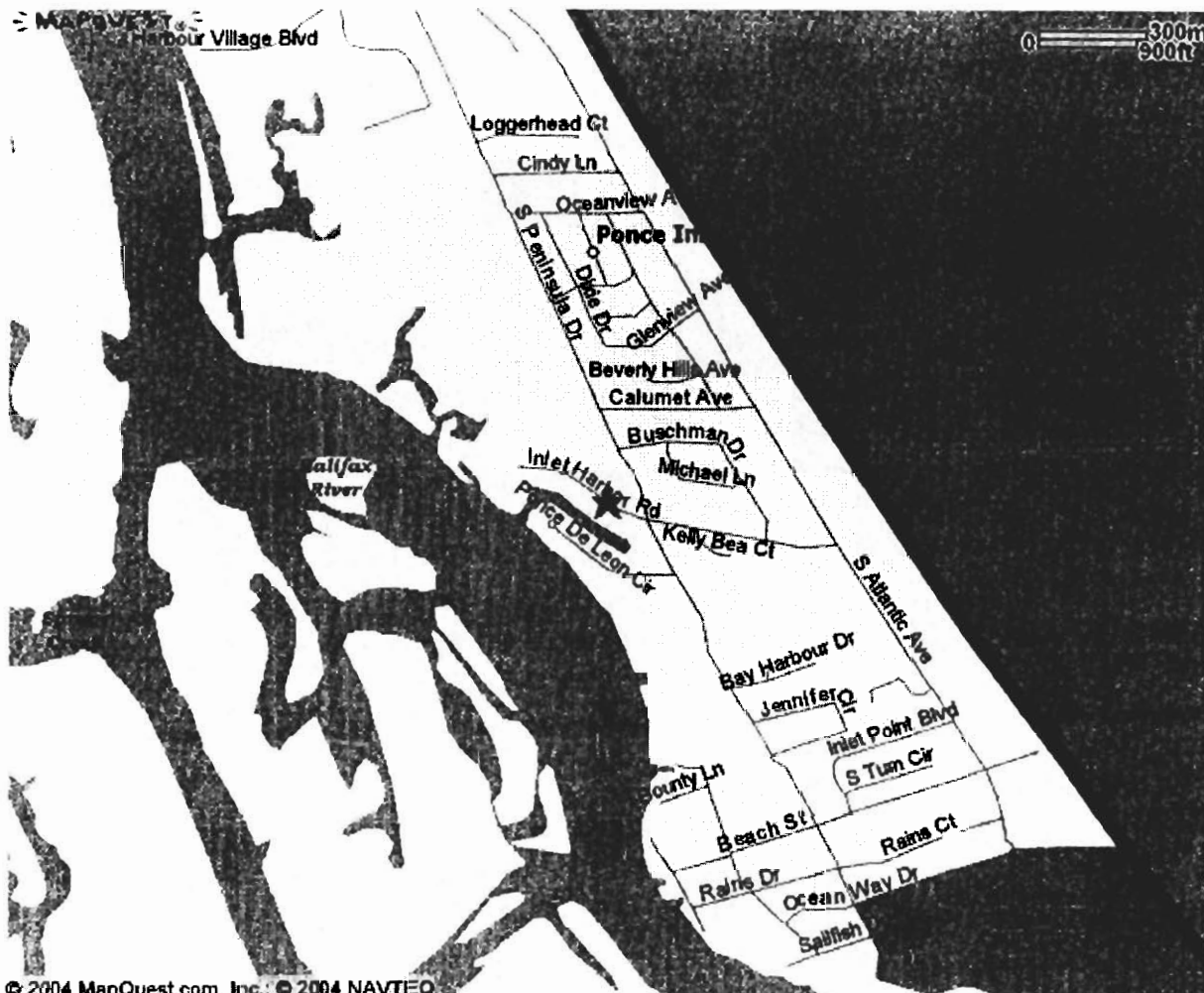


[Send To Printer](#) [Back to Map](#)

133 Inlet Harbor Rd
Ponce Inlet FL
32127-7238 US

Notes:

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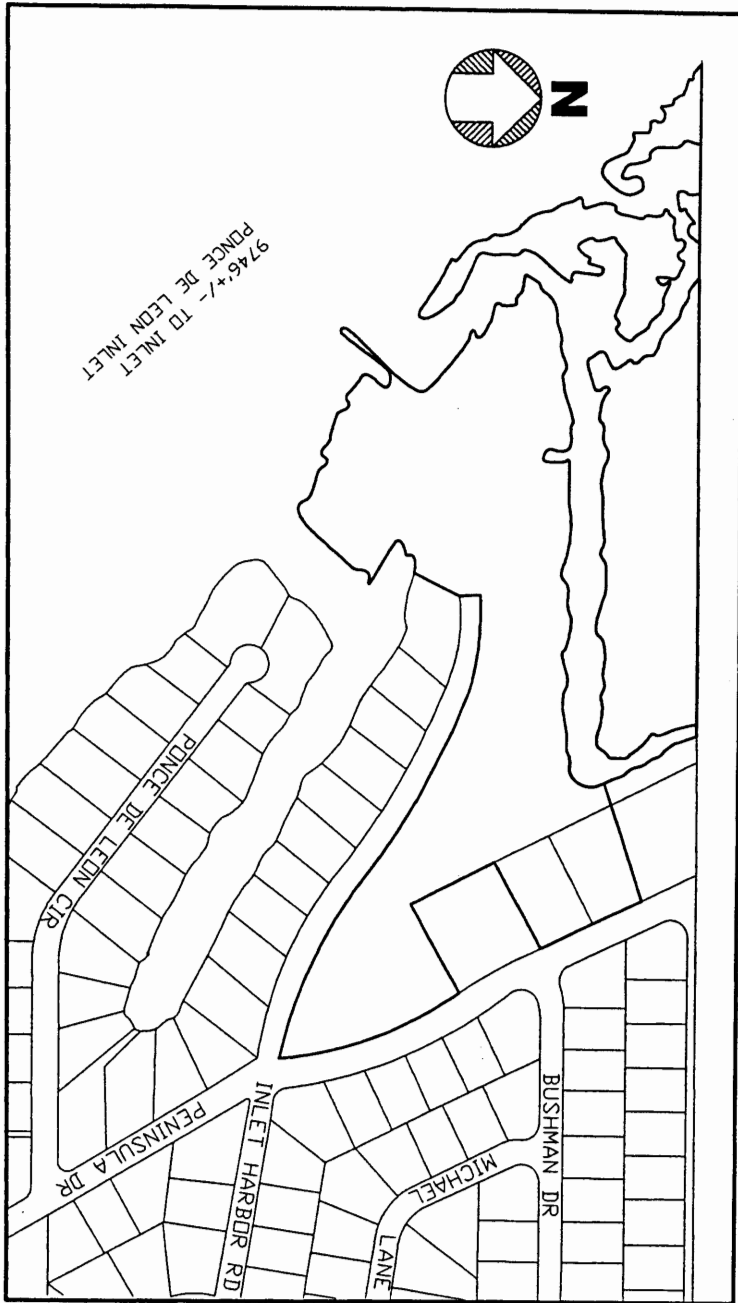


This map is information
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Modification # _____
Privacy Drawing Page 1 of 8
Date: Sept. 16, 2004

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lay resulting from such use.

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INLET HARBOR MARINA & RESTAURANT



LOCATION MAP
SCALE 1"=400'

REMOVED: 07-15-03 ADDED EXIST PILE
REMOVED: 02-28-03
REMOVED: 11-20-02
JOB NO.: 01-011 DATE: 10-14-02

I HEREBY CERTIFY THAT THIS SKETCH OF THE SUBJECT PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF. AS SURVEYED IN THE FIELD UNDER MY SUPERVISION ON THE DATES SHOWN HEREON. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH IN FLORIDA ADMINISTRATIVE CODE CHAPTER 61G17, ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS PURSUANT TO FLORIDA STATUTES SECTIONS 420.07, SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

M. Labree

FRED M. HARPSTER, P.E./P.L.S. #4724/41127
M. USA LABREE, P.L.S. #5445

UNLESS EMBOSSED WITH THE ORIGINAL RAISED SEAL OF A LICENSED SURVEYOR AND MAPPER, THIS SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

NOTES

1. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS OF WAY, AND OR OWNERSHIP FURNISHED EXCEPT AS SHOWN.
2. NO UNDERGROUND STRUCTURES AND OR FOUNDATIONS, IF ANY, WERE LOCATED EXCEPT AS MAY BE SHOWN.
3. ELEVATIONS REFER TO NATIONAL GEODETIC VERTICAL DATUM 1929.
4. AS-BUILT INFORMATION PER DRAWING PREPARED DUNHAM ASSOCIATES, INC. DATED 10-29-99; FILE: SS-64-30-2A
5. LEGAL DESCRIPTIONS PREPARED BY HARPSTER ENGINEERING & SURVEYING, INC.
6. BEARING STRUCTURE PER PLAT WHARTON SUBDIVISION VOLUSIA COUNTY, FLORIDA.

U.S. ARMY CORPS OF ENGINEERS

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Drawing Page 2 of 8

Date: Sep 16, 2004

HARPSTER ENGINEERING & SURVEYING, INC.

CONSULTANTS

CIVIL ENGINEERS

SURVEYORS

PLANNERS

LICENSED BUSINESS #6351

436 NORTH GRANDVIEW AVENUE,

DAYTONA BEACH, FL. 32118

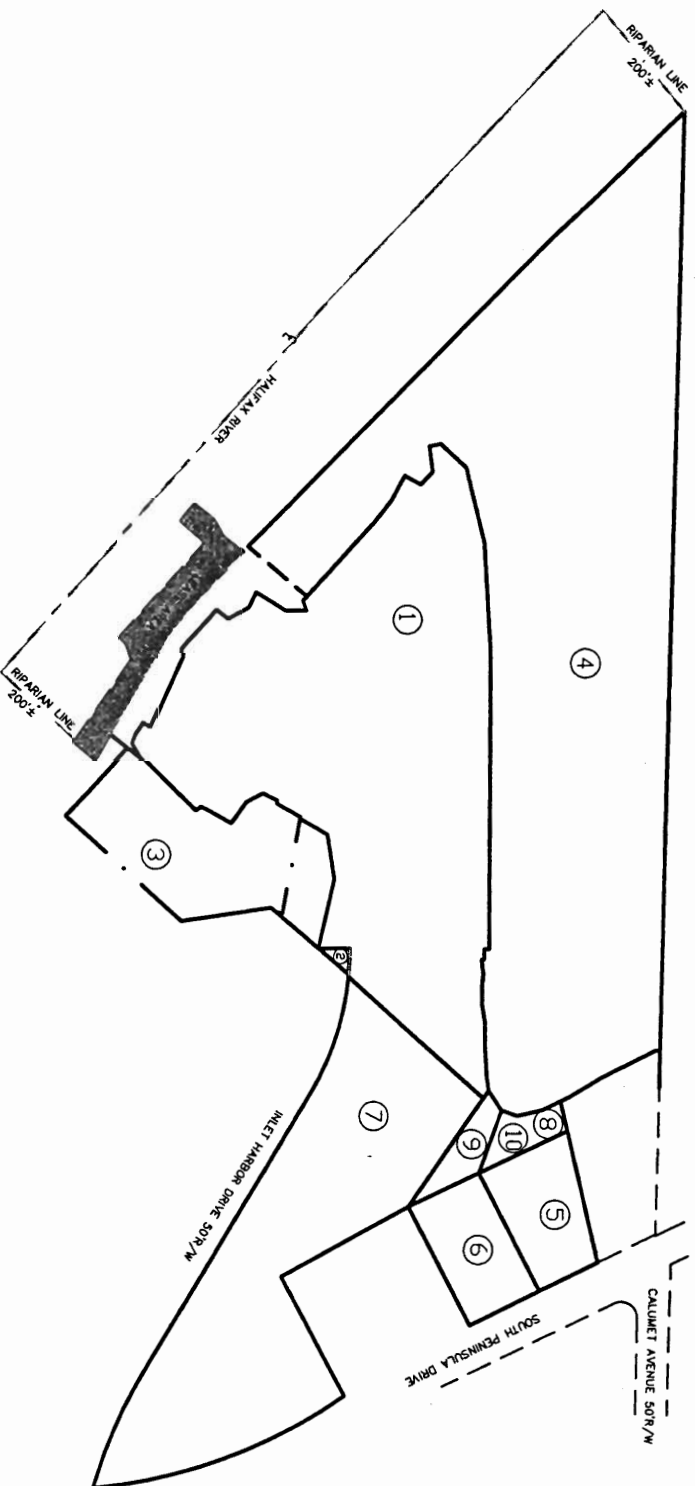
PHONE: (386)253-3241 FAX: (386)253-2502

E-MAIL: mail@harpstereng.com

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INLET HARBOR MARINA & RESTAURANT

SKETCH OF UPLAND PROPERTY LINES



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Permit # 1997-2892

Modification #

Drawing Page 3 of 8

Date: Sept. 16, 2004

INLET HARBOR MARINA & RESTAURANT

LEGAL DESCRIPTIONS FOR LEASE AREA & LEGEND

LEGAL DESCRIPTION FOR MODIFIED SUBMERGED LAND LEASE:
A PARCEL OF LAND LOCATED IN SECTION 30, TOWNSHIP 16 SOUTH,
RANGE 34 EAST, VOLUSIA COUNTY, FLORIDA, WITHIN THE WATERS OF
THE HALIFAX RIVER, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

FROM A REFERENCE POINT BEING THE NORTHWEST CORNER OF LOT 37,
WHARTON SUBDIVISION, SECOND ADDITION, AS PER MAP RECORDED IN MAP
BOOK 29, PAGE 7 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA,
SAID POINT BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF INLET HARBOR DRIVE;
THENCE S 40°16'00" W ALONG THE WESTERLY LINE OF SAID LOT 37 A DISTANCE
OF 86.28 FEET;

THENCE N08°16'14"E A DISTANCE OF 9.32 FEET;
THENCE N79°07'06"W A DISTANCE OF 151.39 FEET;
THENCE S30°21'37"W A DISTANCE OF 42.37 FEET;
THENCE N88°39'25"W A DISTANCE OF 4.56 FEET;
THENCE S26°44'30"W A DISTANCE OF 24.97 FEET;
THENCE S27°26'05"E A DISTANCE OF 29.16 FEET;
THENCE S53°58'21"E A DISTANCE OF 40.80 FEET;
THENCE S29°52'35"W A DISTANCE OF 23.96 FEET;
THENCE S28°35'18"W A DISTANCE OF 29.63 FEET;
THENCE S37°51'19"E A DISTANCE OF 10.44 FEET;
THENCE S44°58'49"W A DISTANCE OF 117.25 FEET;
THENCE S37°43'17"W A DISTANCE OF 25.00 FEET;
THENCE S47°27'02"E A DISTANCE OF 52.15 FEET;
THENCE S44°33'07"W A DISTANCE OF 24.35 FEET
TO THE POINT OF BEGINNING;
THENCE N59°37'13"W A DISTANCE OF 186.15 FEET;
THENCE N50°55'13"W A DISTANCE OF 69.88 FEET;
THENCE CONTINUE N50°55'13"W A DISTANCE OF 3.41 FEET;
THENCE N45°41'08"W A DISTANCE OF 57.34 FEET;
THENCE CONTINUE N45°41'08"W A DISTANCE OF 5.09 FEET;
THENCE N45°11'24"W A DISTANCE OF 31.00 FEET;
THENCE S39°17'31"W A DISTANCE OF 39.45 FEET;
THENCE S63°17'40"W A DISTANCE OF 27.22 FEET;
THENCE S38°52'49"W A DISTANCE OF 39.98 FEET;
THENCE S50°15'07"E A DISTANCE OF 32.32 FEET;
THENCE N41°36'25"E A DISTANCE OF 51.40 FEET;
THENCE S48°05'56"E A DISTANCE OF 119.15 FEET;
THENCE N42°10'22"E A DISTANCE OF 11.75 FEET;
THENCE N69°21'14"E A DISTANCE OF 28.99 FEET;
THENCE S55°14'41"E A DISTANCE OF 156.34 FEET;
THENCE N40°31'49"E A DISTANCE OF 40.66 FEET;
THENCE N59°37'13"W A DISTANCE OF 44.94 FEET;
CONTAINING 19.244 SQUARE FEET = 0.44 ACRES MORE OR LESS
LINEAR FOOTAGE OF SHORELINE = 397.81 FEET

LEGAL DESCRIPTION FOR NON-WATER DEPENDENT STRUCTURE

IN SUBMERGED LAND LEASE:
A PARCEL OF LAND LOCATED IN SECTION 30, TOWNSHIP 16 SOUTH,
RANGE 34 EAST, VOLUSIA COUNTY, FLORIDA, WITHIN THE WATERS OF
THE HALIFAX RIVER, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

FROM A REFERENCE POINT BEING THE NORTHWEST CORNER OF LOT 37,
WHARTON SUBDIVISION, SECOND ADDITION, AS PER MAP RECORDED IN MAP
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SAID POINT BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF INLET HARBOR DRIVE;
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THENCE N08°16'14"E A DISTANCE OF 9.32 FEET;
THENCE N79°07'06"W A DISTANCE OF 151.39 FEET;
THENCE S30°21'37"W A DISTANCE OF 42.37 FEET;
THENCE N88°39'25"W A DISTANCE OF 4.56 FEET;
THENCE S26°44'30"W A DISTANCE OF 24.97 FEET;
THENCE S27°26'05"E A DISTANCE OF 29.16 FEET;
THENCE S53°58'21"E A DISTANCE OF 40.80 FEET;
THENCE S29°52'35"W A DISTANCE OF 23.96 FEET;
THENCE S28°35'18"W A DISTANCE OF 29.63 FEET;
THENCE S37°51'19"E A DISTANCE OF 10.44 FEET;
THENCE S44°58'49"W A DISTANCE OF 117.25 FEET;
THENCE S37°43'17"W A DISTANCE OF 25.00 FEET;
THENCE S47°27'02"E A DISTANCE OF 52.15 FEET;
THENCE S44°33'07"W A DISTANCE OF 24.35 FEET;
TO THE POINT OF BEGINNING;
THENCE N50°55'13"W A DISTANCE OF 69.88 FEET;
THENCE N50°55'13"W A DISTANCE OF 3.41 FEET;
THENCE N45°41'08"W A DISTANCE OF 57.34 FEET;
THENCE N45°11'24"W A DISTANCE OF 5.09 FEET;
THENCE S41°14'39"W A DISTANCE OF 5.06 FEET;
THENCE S49°44'49"E A DISTANCE OF 65.77 FEET;
THENCE N39°39'30"E A DISTANCE OF 0.66 FEET
TO THE POINT OF BEGINNING.

CONTAINING 177 SQUARE FEET
LINEAR FOOTAGE OF SHORELINE = 65.84 FEET



PROPOSED FLOATING DOCK



PROPOSED DECK



MODIFIED SUBMERGED
LAND LEASE



NON-WATER DEPENDENT STRUCTURE
IN SUBMERGED LAND LEASE

EXISTING PILE

PROPOSED PILE

PILE INSTALLED OR RELOCATED IN FALL OF 2001

PILE INSTALLED OR RELOCATED IN FALL OF 2001
THAT NEED TO BE RESET

PROPOSED DOLPHIN

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Permit # 1997-2803

Modification #

Drawing Page 4 of 8

Date: Sept 16, 2004

SKETCH FOR PROPOSED PILINGS & DECKS

SCALES: 1" = 60'

NOTE: SAFE UPLAND BOUNDARY LINE AT ELEVATION 2.0 MEAN SEA LEVEL AS LOCATED IN 1986.

UNCLASSIFIED

NOT SOVEREIGN SUBMERGED LAND
DREDGED AREA

100'R/W
PONCE DE LEON
WATERWAY

LOT 37
WHARTON SUBDIVISION
2ND ADDITION
MAP BOOK 29, PAGE 7

POINT OF REFERENCE
NORTHWEST CORNER OF
LOT 37
ON SUBDIVISION
ADDITION
29, PAGE 7

HALIFAX RIVER

LEGEND

- PROPOSED FLOATING DOCK
- PROPOSED DECK
- MODIFIED SUBMERGED
- LAND LEASE
- NON-WATER DEPENDENT STRUCTURE
IN SUBMERGED LAND LEASE
- — EXISTING PILE
- — PROPOSED PILE
- ⊙ — PILE INSTALLED OR RELOCATED IN FALL OF 2001
- ⊕ — PILE INSTALLED OR RELOCATED IN FALL OF 2001
THAT NEED TO BE RESET
- — PROPOSED NOI PHIN

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Permit # 1097-2803

Modification #

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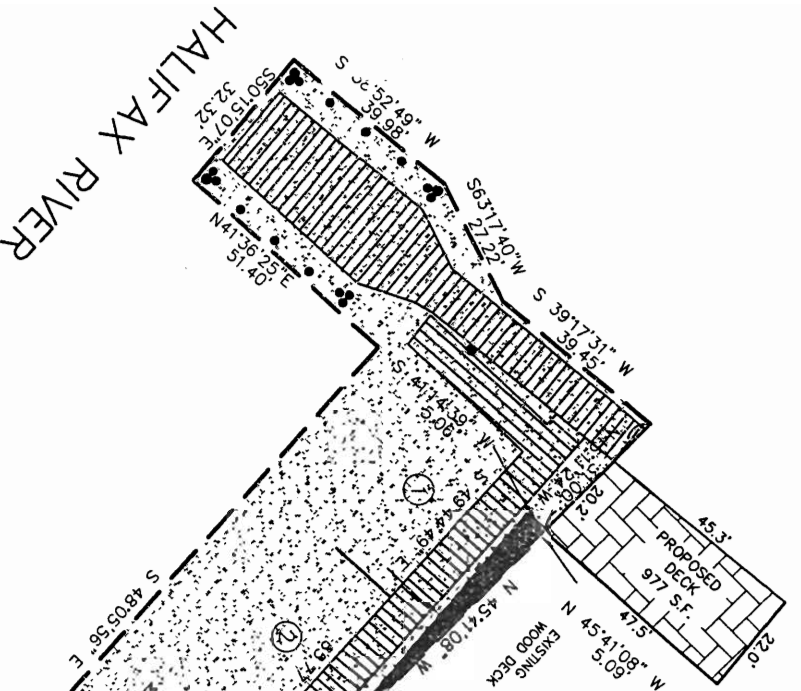
Date: Sat 16 Dec

INLET HARBOR MARINA & RESTAURANT

SKETCH FOR PROPOSED PILINGS & DECKS



NOTE: SAFE UPLAND BOUNDARY LINE AT ELEVATION 2.0 MEAN SEA LEVEL AS LOCATED IN 1986.



LEGEND

- PROPOSED FLOATING DOCK
- PROPOSED DECK
- MODIFIED SUBMERGED LAND LEASE
- NON-WATER DEPENDENT STRUCTURE IN SUBMERGED LAND LEASE

- EXISTING PILE
- PROPOSED PILE
- ② PILE INSTALLED OR RELOCATED IN FALL OF 2001
- ⊕ PILE INSTALLED OR RELOCATED IN FALL OF 2001 THAT NEED TO BE RESET
- ⊙ PROPOSED DOLPHIN

U.S. ARMY CORPS OF ENGINEERS

Permit # 1997-2803

Modification #

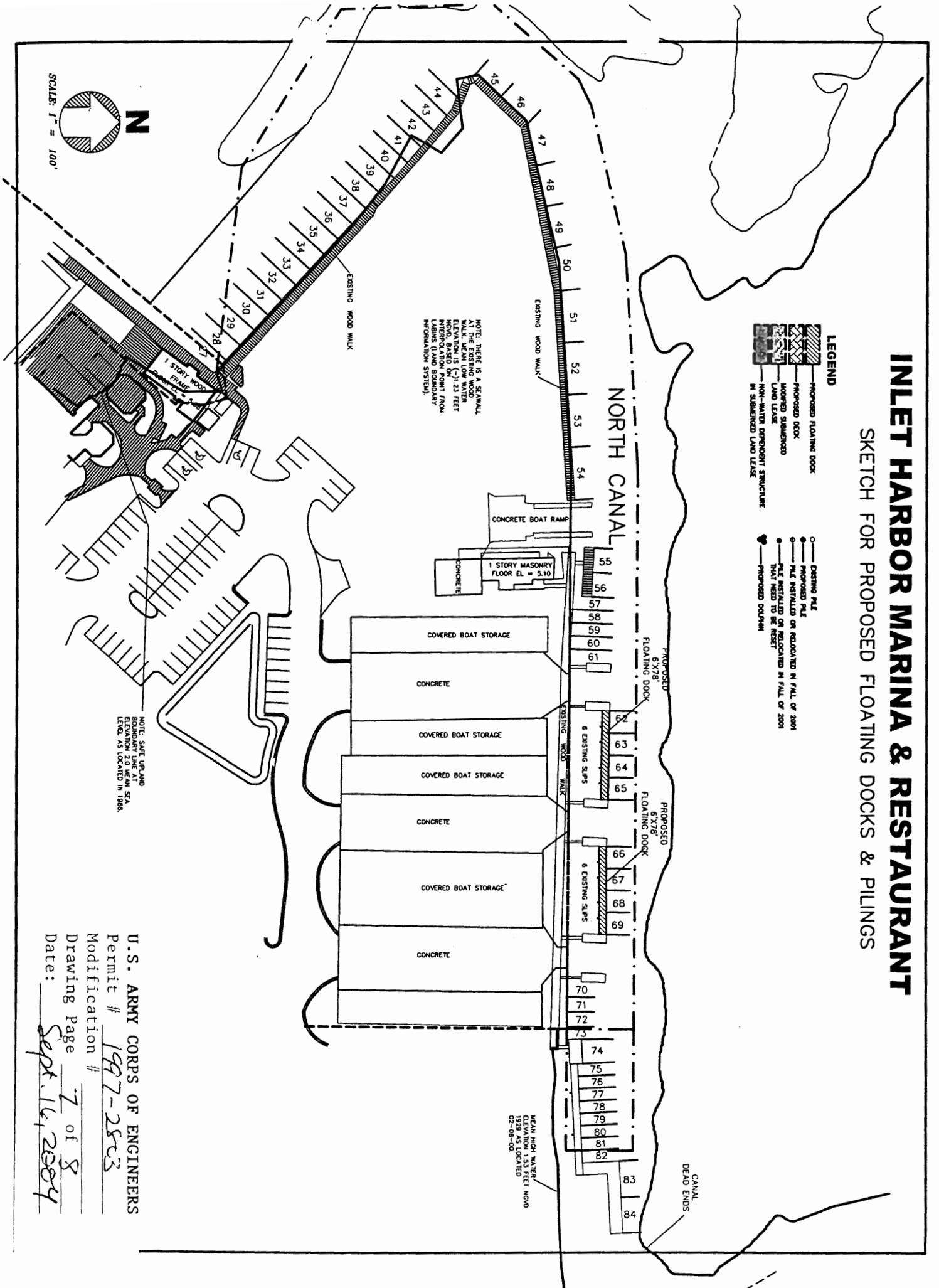
Drawing Page 6 of 8

Date: Sept. 16, 2004

INLET HARBOR MARINA & RESTAURANT

SKETCH FOR PROPOSED FLOATING DOCKS & PILINGS

- LEGEND**
- PROPOSED FLOATING DOCK
 - PROPOSED DECK
 - MOORED SUBMERGED
 - LAND LEASE
 - NON-WATER DEPENDENT STRUCTURE
 - IN SUBMERGED LAND LEASE
 - EXISTING PILE
 - PROPOSED PILE
 - PILE INSTALLED OR RELOCATED IN FALL OF 2001
 - PILE INSTALLED OR RELOCATED IN FALL OF 2001 THAT NEED TO BE RESET
 - PROPOSED DOLPHIN



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Modification #

Drawing Page 7 of 8

Date: Sept. 14, 2004

INLET HARBOR MARINA & RESTAURANT

SKETCH FOR PROPOSED FLOATING DOCKS & PILINGS

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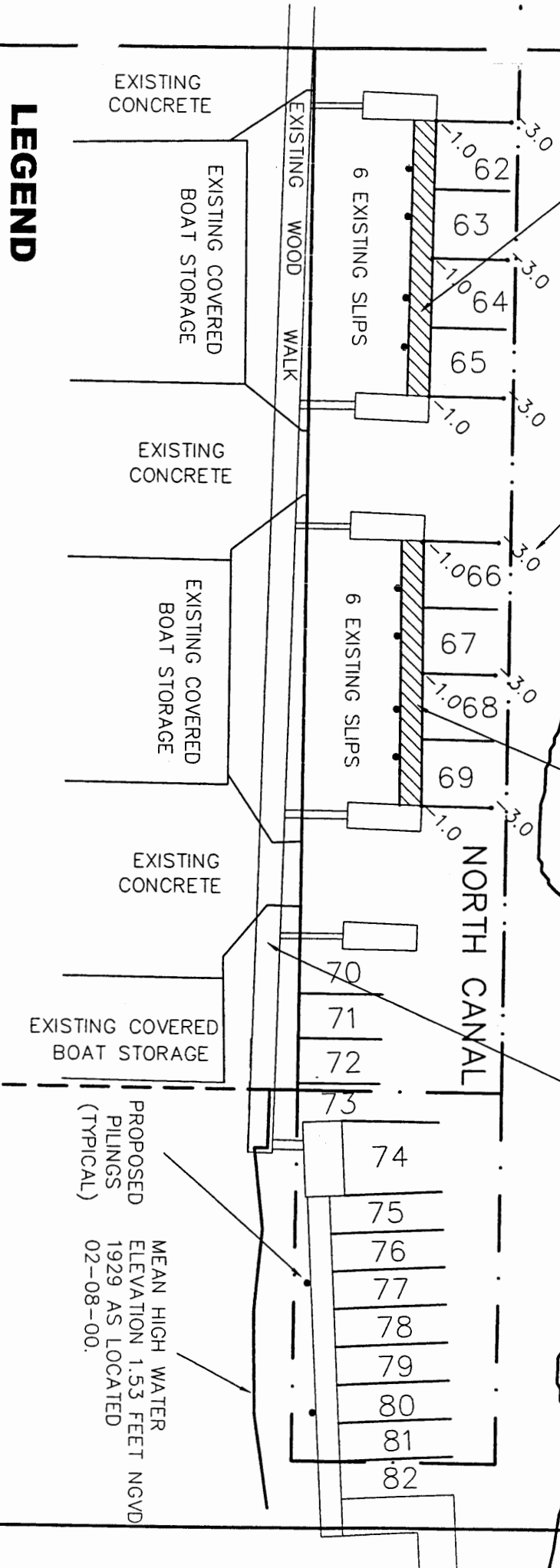
ELEVATIONS SHOWN ARE DEPTHS IN REFERENCE TO MEAN LOW WATER (MLW)

NOTE: THERE IS A SEAWALL AT THE EXISTING WOOD WALK. MEAN LOW WATER ELEVATION IS (-)1.23 FEET NGVD, BASED ON INTERPOLATION POINT FROM LABINS (LAND BOUNDARY INFORMATION SYSTEM).



PROPOSED 6'X78' FLOATING DOCK

PROPOSED 6'X78' FLOATING DOCK



LEGEND

- PROPOSED FLOATING DOCK
- PROPOSED DECK
- MODIFIED SUBMERGED LAND LEASE
- NON-WATER DEPENDENT STRUCTURE IN SUBMERGED LAND LEASE

- EXISTING PILE
- PROPOSED PILE
- PILE INSTALLED OR RELOCATED IN FALL OF 2001
- PILE INSTALLED OR RELOCATED IN FALL OF 2001 THAT NEED TO BE RESET
- PROPOSED DOLPHIN

U.S. ARMY CORPS OF ENGINEERS
 Permit # 1497-2803
 Modification #
 Drawing Page 8 of 8
 Date: Sept. 16, 2004

IMPACT ON NATURAL RESOURCES: Preliminary review of this application indicates that an Environmental Impact Statement will not be required. Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area. By means of this notice we are soliciting comments on the potential effects of the project on threatened or endangered species or their habitat.

IMPACT ON CULTURAL RESOURCES: Review of the latest published version of the National Register of Historic Places indicates that no registered properties, or properties listed as eligible or inclusion therein, are located at the site of the proposed work. Presently, unknown archeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act of the criteria established under authority of Section 102(a) of the Marine, Protection, Research, and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

The U.S. Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make or deny this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

COASTAL ZONE MANAGEMENT CONSISTENCY: In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning and Natural Resources permit constitutes compliance with approved Coastal Zone Management Plan.

REQUEST FOR PUBLIC HEARING: Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.


John R. Hall
Chief, Regulatory Division